

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

RECEIVED

DEC 13 2007

EDGAR SOLACHE)

)

)

)

)

(Name of the plaintiff or plaintiffs)

v.

Grupo Antelia)

)

UAW)

)

)

(Name of the defendant or defendants)

CIVIL ACTION 07 C-50289

NO. 1/LAPA/A

FILED

JANUARY 7, 2008

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

COMPLAINT OF EMPLOYMENT DISCRIMINATION

1. This is an action for employment discrimination.
2. The plaintiff is Citizen of the
county of Boone in the state of Illinois.
3. The defendant is GRUPO Antelia and Union Automotive Workers whose
street address is 642 Crystal Pkwy
(city) Belvidere (county) Boone (state) IL (ZIP) 61008
(Defendant's telephone number) (815)-544-8020
4. The plaintiff sought employment or was employed by the defendant at (street address)
642 Crystal Pkwy (city) Belvidere
(county) Boone (state) IL (ZIP code) 61008

5. The plaintiff [*check one box*]

- (a) ☐ was denied employment by the defendant.
- (b) ☐ was hired and is still employed by the defendant.
- (c) ☒ was employed but is no longer employed by the defendant.

6. The defendant discriminated against the plaintiff on or about, or beginning on or about,

(month) October, (day) 31, (year) 2007.

7.1 (*Choose paragraph 7.1 or 7.2, do not complete both.*)

(a) The defendant is not a federal governmental agency, and the plaintiff [*check*

one box] ☐ *has not* filed a charge or charges against the defendant
☒ *has*

asserting the acts of discrimination indicated in this complaint with any of the following government agencies:

(i) ☒ the United States Equal Employment Opportunity Commission, on or about
 (month) December (day) 3 (year) 2007.

(ii) ☐ the Illinois Department of Human Rights, on or about
 (month) _____ (day) _____ (year) _____.

(b) If charges *were* filed with an agency indicated above, a copy of the charge is

attached. ☒ YES. ☐ NO, but plaintiff will file a copy of the charge within 14 days.

It is the policy of both the Equal Employment Opportunity Commission and the Illinois Department of Human Rights to cross-file with the other agency all charges received. The plaintiff has no reason to believe that this policy was not followed in this case.

7.2 The defendant is a federal governmental agency, and

(a) the plaintiff previously filed a Complaint of Employment Discrimination with the defendant asserting the acts of discrimination indicated in this court complaint.

☐ Yes (month)_____ (day)_____ (year)_____

☐ No, did not file Complaint of Employment Discrimination

(b) The plaintiff received a Final Agency Decision on (month)_____
(day)_____ (year)_____.

(c) Attached is a copy of the

(i) Complaint of Employment Discrimination,

☐ YES ☐ NO, but a copy will be filed within 14 days.

(ii) Final Agency Decision

☐ YES ☐ NO, but a copy will be filed within 14 days.

8. *(Complete paragraph 8 only if defendant is not a federal governmental agency.)*

(a) ☒ the United States Equal Employment Opportunity Commission has not issued
a *Notice of Right to Sue*.

(b) ☐ the United States Equal Employment Opportunity Commission has issued a
Notice of Right to Sue, which was received by the plaintiff on
(month)_____ (day)_____ (year)_____ a copy of which
Notice is attached to this complaint.

9. The defendant discriminated against the plaintiff because of the plaintiff's [*check only those that apply*]:

(a) ☐ Age (Age Discrimination Employment Act).

(b) ☒ Color (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).

- (c) ☐ Disability (Americans with Disabilities Act or Rehabilitation Act)
- (d) ☒ National Origin (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (e) ☒ Race (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (f) ☐ Religion (Title VII of the Civil Rights Act of 1964)
- (g) ☒ Sex (Title VII of the Civil Rights Act of 1964)

10. If the defendant is a state, county, municipal (city, town or village) or other local governmental agency, plaintiff further alleges discrimination on the basis of race, color, or national origin (42 U.S.C. § 1983).

11. Jurisdiction over the statutory violation alleged is conferred as follows: for Title VII claims by 28 U.S.C. §1331, 28 U.S.C. §1343(a)(3), and 42 U.S.C. §2000e-5(f)(3); for 42 U.S.C. §1981 and §1983 by 42 U.S.C. §1988; for the A.D.E.A. by 42 U.S.C. §12117; for the Rehabilitation Act, 29 U.S.C. § 791.

12. The defendant [*check only those that apply*]

- (a) ☐ failed to hire the plaintiff.
- (b) ☒ terminated the plaintiff's employment.
- (c) ☐ failed to promote the plaintiff.
- (d) ☐ failed to reasonably accommodate the plaintiff's religion.
- (e) ☐ failed to reasonably accommodate the plaintiff's disabilities.
- (f) ☒ failed to stop harassment;
- (g) ☒ retaliated against the plaintiff because the plaintiff did something to assert rights protected by the laws identified in paragraphs 9 and 10 above;

(h) ☒ other (specify): Is responsible for personal injury the Plaintiff suffered and use

it as a pretext to retaliate against plaintiff for his continuous claims of being discriminated against. Police Report is Attached.

13. The facts supporting the plaintiff's claim of discrimination are as follows:

Plaintiff's complain of being harass and discriminated against by a Caucasian female in a daily basis on Oct 31, 2007 (Copy is attach) Defendant fail to stop the discrimination against Plaintiff, In turn Plaintiff was discharge ~~on~~ by the defendant due to his complains (Copy Attached) UAW fail to Represent Plaintiff or defend Plaintiff according with the Contract between Employer, UAW, and Employee

14. **[AGE DISCRIMINATION ONLY]** Defendant knowingly, intentionally, and willfully discriminated against the plaintiff.

15. The plaintiff demands that the case be tried by a jury. ☒ YES ☐ NO

16. THEREFORE, the plaintiff asks that the court grant the following relief to the plaintiff
[check only those that apply]

- (a) ☐ Direct the defendant to hire the plaintiff.
 (b) ☒ Direct the defendant to re-employ the plaintiff.
 (c) ☐ Direct the defendant to promote the plaintiff.
 (d) ☐ Direct the defendant to reasonably accommodate the plaintiff's religion.
 (e) ☐ Direct the defendant to reasonably accommodate the plaintiff's disabilities.
 (f) ☒ Direct the defendant to (specify): Remove all false and

inaccurate documents from Plaintiffs

Personal file

(g) ☒ If available, grant the plaintiff appropriate injunctive relief, lost wages, liquidated/double damages, front pay, compensatory damages, punitive damages, prejudgment interest, post-judgment interest, and costs, including reasonable attorney fees and expert witness fees.

(h) ☒ Grant such other relief as the Court may find appropriate.

(Plaintiff's signature)

Edgar Solache

(Plaintiff's name)

EDGAR P. Solache

(Plaintiff's street address)

624 E. Madison St.

Belvidere, IL 61008

(City) Belvidere (State) IL (ZIP) 61008

(Plaintiff's telephone number) (815) - 978-5010

Date: Dec-13-2007

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

☐ FEPA
☒ EEOC

440-2008-01214

Illinois Department Of Human Rights

and EEOC

State or local Agency, if any

Name (indicate Mr., Ms., Mrs.)

Mr. Edgar P. Solache

Home Phone (Incl. Area Code)

(815) 547-4834

Date of Birth

Street Address

City, State and ZIP Code

624 E. Madison Street, Belvidere, IL 61008

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

GRUPO ANTOLIN

No. Employees, Members

201 - 500

Phone No. (Include Area Code)

(815) 544-8020

Street Address

City, State and ZIP Code

642 Crystal Parkway, Belvidere, IL 61008

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

☐ RACE ☐ COLOR ☒ SEX ☐ RELIGION ☒ NATIONAL ORIGIN
☒ RETALIATION ☐ AGE ☐ DISABILITY ☐ OTHER (Specify below.)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

10-31-2007

11-29-2007

☐

CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

I began my employment with Respondent in August 2007. My most recent position was Worker. During my employment, I was subjected to harassment. I complained to Respondent. Subsequently, I was disciplined and discharged.

I believe I have been discriminated against because of my national origin, Hispanic, my sex, male, and retaliated against for engaging in protected activity, in violation of Title VII of the Civil Rights Act of 1964, as amended.

RECEIVED EEOC

DEC 18 2007

CHICAGO DISTRICT OFC

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

NOTARY - When necessary for State and Local Agency Requirements

I declare under penalty of perjury that the above is true and correct.

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

Dec 12, 2007

Date

Edgar P. Solache
Charging Party Signature

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)



Disciplinary Action

Employee Name: Edgar Solache
Supervisor Name: Mike Singh

Department: Materials
Date of Incident: 11/20/07

Have there been other similar violations? Yes ☐ No ☒

Previous Discipline:

<u>Level of Discipline</u>	<u>Date</u>	<u>Subject</u>
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Verbal

Written

Suspension

Action taken on this notice:

☒ Oral warning ☐ Written warning
☐ Suspension for ____ days ☐ Termination of employment

Supervisor noticed that Edgar was not scanning a truck properly, he was scanning it all at once. Employee stated that 'no one ever told him he couldn't do it that way' He was verbally warned about following proper procedure. Actions such as this on your part jeopardizes our ability to satisfy our customer and puts everyone's job at risk.

Next action will be further disciplinary action up to and including termination.

EMPLOYEE SECTION

I agree ☒ or disagree ☐ with the description of the violation given above.

Employee comments: *None*

Employee Signature: *[Signature]*
Supervisor Signature: *[Signature]*
Human Resources Signature: *[Signature]*

Date: *11/29/07*
Date: *11/29/07*
Date: *11/29/07*



Disciplinary Action

Employee Name: Edgar SolacheDepartment: MaterialsSupervisor Name: Mike SinghDate of Incident: 11/26/07Have there been other similar violations? Yes ☒ No ☐**Previous Discipline:****Level of Discipline****Date****Subject**

Verbal

11/20/07

scanning the whole truck at once

Written

Action taken on this notice:☐ Oral warning ☐ Written warning ☒ Final Written warning☐ Termination of employment

You and Julian were working together on the dock the night that a truck was not closed out.

Next action will be further disciplinary action up to and including termination.

EMPLOYEE SECTION

I agree ☒ or disagree ☐ with the description of the violation given above.Employee comments: NoneEmployee Signature: [Signature]Date: 11/29/07Supervisor Signature: 19.2Date: 11/29/07Human Resources Signature: [Signature]Date: 11/29/07



Disciplinary Action

Employee Name: Edgar Solache
Supervisor Name: Mike Singh

Department: Materials
Date of Incident: 11/28/07

Have there been other similar violations? Yes ☒ No ☐

Previous Discipline:

<u>Level of Discipline</u>	<u>Date</u>	<u>Subject</u>
Verbal	_____	_____
Written	_____	_____

Action taken on this notice:

☐ Oral warning

☐ Written warning

☒ Termination of employment

You are being terminated based on the number of violations you have received during your probationary period. As a probationary employee, it is unacceptable to have accumulated this many disciplinary actions.

EMPLOYEE SECTION

I agree ☐ or disagree ☒ with the description of the violation given above.

Employee comments: *On 11-28-07 at 3:00 pm I was call to the H.R. office, to sign some documents that state facts base on the incident that took place on 11-26-07. all this copies were given to me → see other side*

Employee Signature: _____

Date: 11-28-07

Supervisor Signature: M. Singh

Date: 11/30/07

Human Resources Signature: Mary Jones

Date: 11/30/07

the termination form, it is true that I was working a
shipping dock but I never took responsibility for the it.
to the best of my knowledge I have being the only
that got a disciplinary action, for this only purpose, I
I being used as an to make an Example for the
Employers, On 11-28-07 I sing 3 other documents with out
knowing that making me sing them will give the right to hand
a termination Action, In presence of Supervisor Mike Singh and
Union Steward Jose Sigala, I protest for the way Grupo
Andolin has handle this matter. When I was assault by another
Employee I wasn't told of my rights or the position of my Comp
Also note that I file as a request of my Supervisor as a sta
ment in a possible Discrimination Action, I think I have
being discriminated against, and this incident is being u
as a "pretext" for the company to "Reteliate" against me.
my Complain. and Capitalize from the incident which is no
way was on my control. all this in Violation of the title
VII of the Civil Rights, (1981) and 1979 as emmended,
It is now that I Request an Entire Copy of my Personnel
file to be able to Contact EEOC (Equal Employment Oppor
Counsel) to request a "Right to See Notice" of the agency fi
that my Civil Rights have been Violated I can file a law su
against Grupo Andolin for Discrimination in Federal
Court.

Written
by Edgar Salasche

11-28-07

12/05/2007

Belvidere Police Dept**INCIDENT REPORT**

Incident: 200700032825

INCIDENT DATES/TIMES:

Reported Date/Time: 12/03/2007 15:51:14
 Completed Date/Time: 12/03/2007 16:19:57
 Earliest Date/Time: 11/28/2007 15:15:00
 Latest Date/Time:

INCIDENT LOCATION:

624 Crystal Pw Belvidere IL 61008 Boone

OFFENSES:

UCR	Offense - Description	Statute - Description	Degree	Class	Level
0450	0000000460 - Battery	720-5/12-3 - Battery			

SUBJECT(S) INVOLVED:

Type	Name	DOB	Address	City/State/Zip	Phone
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VEHICLE:

Plate #	State	Type	VIN	Yr	Make	Model	Color
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PROPERTY:

No.	Type	Qty.	Make/Model/Style	Description
1				

SYNOPSIS:

On 12/03/07 at approximately 1551 hours, I, Officer Kaplan, was dispatched to 624 Crystal Pkwy. in reference to a battery. I met with Edgar P. Solache H/M (10/23/74) (624 E. Madison St. Belvidere, IL 61008) (815-547-4834), who advised that on 11/28/07 at approximately 1515 hours, he got into an argument with Julian Austin B/M (D.O.B. Unknown) (Address Unknown) over a trailer that was being shipped to Chrysler. Solache said that during the course of the argument, Austin punched him twice on the left side of his face, kicked his left shin, and pushed him. I observed no injuries to Solache. Solache stated that he only wanted a report filed for informational purposes. Case closed administratively. See narrative.

EDGAR SOLACHE 624 E. MADISON ST.

BELVIDERE IL. 61008

Grupo Antolin c/o MIKE SINGH

624 CRYSTAL PKWY

BELVIDERE IL. 61008

October 31, 2007

RE: STATEMENT

In evaluation and proceeding of probable cause and investigation of Solache's claims Edgar Solache states the following:

- Edgar Solache is a Hispanic Male
- Solache Works at GRUPO ANTOLIN
- Solache works as an Materials employee under the Supervision of the warehouse Supervisor Mike Singh
- Mohammed is Edgar's solache Team Leader
- Mohammed and Edgar solache works on second Shift
- At all times Solache is being a full time employee
- Kathy Price is a Caucasian Female
- To the best of Edgar's knowledge Mrs. Price is a full time Employee of GRUPO ANTOLIN
- To the best of Edgar's knowledge Mrs. Price works at G. A. as a quality employee
- Donald Glassenop is the Supervisor of Second shift

SUMMARY

Shortly after Edgar Solache start working on G.A. solache had his first encounter with Kathy Price, during his first week of work, Solache's was doing "line feeding" [transporting materials from the warehouse to the assembly lines according to the demand], on the third day after Solache's hiring day, Mrs. Price approach Solache and told him that she found bins with material on the wrong location of the line and also on different assembly line, Solache told Price that he will be more careful, shortly after that Mr. Glassenop [2nd shift supervisor] came to Solache and told him that it was brought to his attention that he was putting the wrong material on the wrong location in a daily base, Solache explain to Glassenop that

he received little training, parts and numbers were new to him but that he will put more attention to his duties.

During the second Week after Solache's hiring date, Solache was working on "BOLSTERS", doing the same job description as mentioned above but working with different parts, Solache as every other employee on the materials department was piling up on the cart as many bins were necessary to bring to the line, when Solache was working on line #2 he witness when Mrs. Price and Derik, at that time Line leader, were talking to Donald G. and complaining about how many bins Solache had on his cart, Donald G. brought to Mohammed the complain from his employees and then Mohammed talk to Solache about it, Solache then explain Mohammed that the longer cart usually used to do the job was broken, therefore Solache was using a smaller cart and also told him that he was not carrying more than any other employee. Then Solache told Mohammed about the earlier incident in which Mrs. Price told Solache he was doing something wrong, yet, she went and complain to Donald G.

The day after Mohammed gave to Solache a note written by Mrs. Price that read: "Edgar did not open the switch boxes and shut the line for 20 min" Edgar explain Mohammed that he was not even doing that job and that he felt that Mrs. Price was exaggerating by claiming that a production line could be down for 20 min just to open a box and that he believed for some reason Price was taking a responsibility out of her job just to come after Solache, then Solache ask Mohammed to please talk to Price and ask her to bring any complain she may have directly to him, since Mohammed is more familiar with the responsibilities of every job in Materials he would be able to explain Price whose really fault is or the reason of the problem, Mohamed agree and told Solache that he will talk to her.

The complains from Price towards Solache became more frequent after that, she complain about Solache driving to fast or not using the horn when driving. All *taggers* [an electric powered cart used to pull material] used for the purpose of bringing materials to the assembly line are fix to drive to a certain speed, is not possible that Solache was driving any faster that any other employee, yet, Price complain about only him, to the best of Solache's knowledge Price complain only about him and no other materials employee, Solache told Mohammed that he believed there was a personal reason for Price to work so hard to put Solache's ability or performance on question.

In a different occasion Solache was working, once again bringing parts to the assembly line when for some reason line #2 was down, and several employees were standing on the path used by materials trucks to bring parts to the line, while Solache was putting away the material on the designated location

one the employees ID to the best recollection of Solache's as "MIKE" was standing and leaning on solaches cart when Solache was getting ready to go, Solache used the horn and "Mike" moved away from the cart, Kathy saw this and run from were she was standing to Donald's G. cube and told him that "Solache just hit some one with the truck" Donald approach Solache and question Mike if he got hurt after Mike said it was just passing by and nearly got him, Donald once again consult Solache about the safety and responsibility of driving a truck at GA. This time Solache got Mike Singh and Mohammed involved as he felt that it wasn't his fault, Mike S. and Mohammed talk to Donald about the incident, while Mike S. was talking to Donald, the Line leader of the line #2 "RAFAEL", told Solache and Mohammed that she {Price} was making a big deal out of the incident. Giving the facts that neither Solache nor Mike complain about anything and Price was not involved nor affected in anyway by the "incident".

Giving all the complains against Solache by Price, Solache request Mohammed to get him a job out of the assembly line in a attempt to avoid any more confrontations with Price, Mohammed agreed and give Solache a job as a "Speaker Grill filler" again Price found a way to get Solache a hard time by saying that she [Price] found a label [tag used to ID every finish cart ready for deliver] laying on the floor, Solache went higher on the chain of command and talk to Mike S. about all the different incident and complains from Price, at that time Mike S. agreed that even if Price found a label laying on the floor had no reason to complain, he also explain that the racks used to deliver the speaker grills are not in the best conditions, and that on many of them a label holder are missing, but is not the responsibility of GA to fix the racks, since this racks are property of the GA customer, Solache explain Mike S. that he felt he was being singled out by price and that he felt it was a personal reason from price to complain about Solache in so many ways and so frequently, Mike S. offer Solache an immediate response and explain that case to a member of GA management {name unknown by Solache} who was walking by at the time, this person promise Mike S. he will look into it and bring this issue to a resolution, Mike S. took a leave of absence after that day.


During aMike's S. absence, Solache still working on the Speaker grills, had another encounter with Price, as she came to check on the racks filled by Solache and allegedly found several parts mix or upside down, with an attitude she told "Chris" [another material employee working on the shipping dock at the time] that she will get Solache out of there, minutes later Mohammed came and get Solache, asking him to moved to a different position, Solache was really upset and confront Mohammed not for the decision of moving him out, but for the frequent harassment from Price, in the absence of Mike S. Greg Warner

filled as the responsible for the Materials department, Mohammed and Solache went ant talk to Greg W. and at that time Solache explain to Greg W. his frustration and reason for his complain, Solache also explain Greg W. that he understood the reason for his substitution but gave Greg the whole background behind this issue, Greg promise Solache to find out what was going on and give Soache an positive answer soon.

The day of Mike S. return Solache told him that the confrontations with Price were not any better, that the day before, as Solache was retrieving the empties bins from the shipping Dock he spoke to one of the line assemblers for a few seconds, explaining the reason for him[Solache] to park the forklift he was driving close to the line and asking this employee if the truck will affect his /her way] since there was many empty bins to pile up solache spend around 3 minutes to work on this station, Price saw Solache talking to this employee and went to Donald's G. cube, Solache was still working when Donald G. came and Solache was ready to give Donald G. and explanation but Donald did not question Solache about the reason for his presence on that specific place of the plant, nevertheless Solache brought this up to his supervisor Mike S. who in time request Solache to make a statement which gave reason for this document to exist.

All this event happened to Solaches best recollection and pray to the people who may read this document take in consideration that Solache exhaust all resources before came to this point, and at all times Solache has avoid any verbal encounter and try by all means avoid escalating this problem with the other employee, Solache understand the importance and the great opportunity to be a G A employee and desired this was not necessary. Solache also ignores if Race, Gender, and/or National Origin had played a role on this case but do not discard it neither, this document was produce by Solache without the help, comments or notes of any other person and as a request by Mike S. and Mohamed.

Respectfully yours.



Edgar Solache